

Court

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

ROBERT EARL RAY, JR.

*

Plaintiff,

*

V.

CASE NO: 2:CV-721-WKW

*

TROY KING _ ATTORNEY GENERAL,
et al.,

*

Defendants,

*

RESPONSE TO THE ORDER OF THE COURT
ON AUGUST 15, 2007

Comes now Robert Earl Ray, Jr., plaintiff, pro se in the above style cause and moves this honorable to consider the facts alledged by the plaintiff in regards to his requested injunctive relief.

1. Plaintiff does not seek any monetary damages against the state of Alabama.
2. Plaintiff is not trying to create any further financial burdens upon the state by suing them for monetary damages.
3. Plaintiff wishes to be an asset and not an inmate in retaliation against the state of Alabama, specifically the DOC.
4. The injunctive releif in which plaintiff has request was in the form of "being taken into the custody of the federal goverment and placed in an enviroment in which living conditions are not uncon-stitutional and wherein his life is not in the constant threat of violence and life threatning.

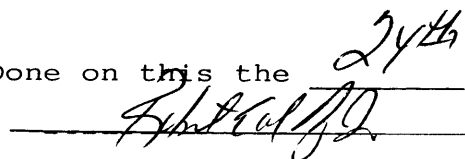
5. Plaintiff alledged that the DOC is overcrowded and that it has been an ongoing issue for over thirty-years. The DOC have not Provided me with any living conditions which are not affected by the overcrowding so much so until my life is in the constant threat to danger, a place were terror reigns.
6. The overcrowding is the exabate of all other illls of the system and without this being repaired I will continue to be subjected to those illls of the DOc which consist of the following:
 - A. Unsanitary Living conditions
 - B. Waiste managment/ lack of wiaste control.
 - C. Infectious diseses due to the above mentioned factors
 - D. Lack of Security/ due to lack of officers to protect me or any other inmate froom those who are violent and impose life threatning actions to others.
 - E. Due to the lack of staffing I cannot be guaranteed a minium amount of protection.
 - F. One officer is to control a population of two hundred inmates and some places three hindred inmates.
7. The objective factors must consider any future life threatning conditions in which I may encounter and the state is responsible and has the duty owed to me to insure that I am afforded my rights contemplated within the constitution, specifically the 5th, 14th and 8th amendments.
8. The injury imposed upon me when I am subjected back into that enviroment immediately violates my constitutional rights and i have ask for relief prior to be subjected back into that enviro-ment.
9. The injuries are irreparable beyond the control of the DOC and cannot or at least have not been repaired in a manner which guran-tees me my constitutional rights not to be subjected to cruel and unusual punishment.
10. The DOC either has the money to train and put enough officers in the institution to control the violence or they do not have the money, nonetheless the issue remains.

11. Plaintiff request that if the Federal goverment cannot and chooses not to grant me a temporary restraining order or the preliminary injunctive relief then perhaps they will consider ordering my release from the DOC.
12. Plaintiff has served 24 years on a thirty-three year sentence and has not recieved a single disciplinary action during the entirety of his incarceration. He was granted parole in 1994. My parole was revoked due to false allegations by the parole agency in which civil ligation is pending in the Northern Division of the federal court. I have a claim of actual innocence and it will prevail. The parole agents are being arrested by the montgomery sheriff's Department on felony charges. This court has the authority to order my release, due to my actual innocence. Every day I spend in prison a innocent person is subjected to cruel and unusual punsihement.
13. The federal goverment does not like to intervene in the daily activities of the DOC , this case is one in which it needs to intervene. It will be easier for the federal goverment to pull me out of the situation and/or release me than to try and fix this problem, while it is a chance that my life and the lives of others will be in danger or taken due to the overcrowding of the prison system.

Finally, I do not want any monetary damages on any thing in which I was relieved of when I was placed in an institution which is not overcrowded. The monetary damages will begin the moment in which I am retaken back into their custody and resubjected to the same.


I do however ask that this court will order the DOC to provide me with sufficent medical care for the staff infection I recieve which appears in rashes and other means. I ask for sufficent medical care to my back in which I sustained an injury which surgery was given and I have been diagnosed to s degenerate disk disease. I have been oreded by the doctor not to lift over ten pounds. No prolong standing, not stooping and bending repetively. The DOC however will subject me to work. This work will not be in respect to a doctors orders.

Respectfully Submitted, Done on this the 24th day of August 2007.



CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been served upon Troy King, attorney general of the state of Alabama, by placing the same in the U.S. mail box located inside the West Carroll Detention Center, postage and properly paid addressed. Done on this the 24th day of August 2007.



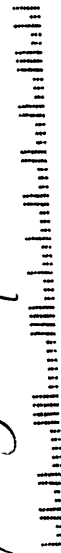
ROBERT EARL RAY, JR.



Robert Earl Ray Jr. #136712
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In the United States District
For the Middle District of Alabama
P.O. Box 711

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